

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

Darrell T. Coker, Sr., et. al.,

Plaintiffs,

v.

Roger Dowd,

Defendant.

Case No. 2:13-cv-00994-RFB-NJK

Order Granting Motion to Dismiss

On September 16, 2014, Plaintiffs Darrell T. Coker, Sr. and Art & Jewelry House, LLC (“Plaintiffs”) filed the instant Motion to Dismiss, ECF No. 58, pursuant to Fed. R. Civ. Proc. 41(a)(2). Fed. R. Civ. Proc. 41(a)(2) states

[A]n action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper. If a defendant has pleaded a counterclaim before being served with the plaintiff's motion to dismiss, the action may be dismissed over the defendant's objection only if the counterclaim can remain pending for independent adjudication. Unless the order states otherwise, a dismissal under this paragraph (2) is without prejudice.

On September 17, the Clerk of Court issued a Klinge v. Eikenberry order informing Defendant Roger Dowd (“Defendant”) that he had fourteen days to respond to the instant Motion to Dismiss.

Here, Plaintiff claims “Defendant and Plaintiff have settled the matters that were the subject of the allegations in this case.” Mot. to Dismiss 1:19–20. Defendant has been afforded four months to respond to the instant Motion to Dismiss and has not done so. Accordingly,

IT IS ORDERED that Plaintiff’s Motion to Dismiss, ECF No. 58, is GRANTED, and the matter is dismissed without prejudice. Each party bears its own costs. The Clerk of Court is instructed to enter judgment and close this case.

Dated: January 20, 2015.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE